

**FILED**

DEC 07 2005

UNITED STATES DISTRICT COURT  
DISTRICT OF ALASKA

by RR Deputy

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9 Swan and Joseph Swan

10  
11 **IN THE UNITED STATES DISTRICT COURT**  
12 **FOR THE DISTRICT OF ALASKA AT ANCHORAGE**

13 ENOCH ADAMS, JR., LEROY ADAMS,  
14 ANDREW KOENIG, JERRY NORTON  
DAVID SWAN and JOSEPH SWAN,

15 Plaintiffs,

16 v.

17 TECK COMINCO ALASKA INCORPORATED

18 Defendant.

19  
20 NANA REGIONAL CORPORATION and  
NORTHWEST ARCTIC BOROUGH,

21 Intervenor-Defendants.  
22  
23

Case No. A04-49 (JWS)<sup>cv</sup>

PLAINTIFFS' MOTION TO  
FILE BRIEF  
OVER LOCAL RULE  
10.1(1) LIMIT AND  
CERTIFICATION OF LUKE COLE

24 Plaintiffs respectfully request that this Court grant them an excuse from Local Rule  
25 10.1(1) and allow them to file a Reply Brief that is 107 pages long, rather than the required 25.  
26 Plaintiffs' counsel have endeavored to make plaintiffs' reply brief as short as practicable in light  
27 of the number of violations involved and the length of Teck Cominco's Opposition. Cole.  
28

PLAINTIFFS' MOTION TO  
FILE OVERLENGTH BRIEF

1 certification ¶3. The Reply brief is designed to help the Court resolve more than 1,926  
2 violations. Id. at ¶4. To adequately discuss the complex factual and legal issues surrounding  
3 these violations in a fashion to make them understandable to the Court, especially in light of the  
4 issues raised by Teck Cominco's 110-page Opposition requires significant detail and explication.  
5 Id. at ¶5. Plaintiffs thus request the additional pages in which to make their case. Id. at ¶6.

6  
7 Dated this 5<sup>th</sup> day of December 2005.

8  
9 Respectfully submitted,

10 CENTER ON RACE, POVERTY  
& THE ENVIRONMENT

11  
12   
Luke W. Cole

13 LAW OFFICES OF NANCY S. WAINWRIGHT

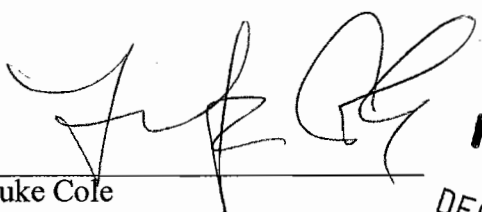
14 Attorneys for Plaintiffs  
15 Enoch Adams, Jr., Leroy Adams, Andrew Koenig,  
16 Jerry Norton, David Swan and Joseph Swan

17  
18 **CERTIFICATION OF LUKE W. COLE**

19 I, Luke Cole, declare:


- 20 1. I am over 18 and not a party to this action.
- 21 2. I am lead counsel for plaintiffs.
- 22 3. I have endeavored to make plaintiffs' reply brief as short as practicable.
- 23 4. The Reply brief may help the Court resolve more than 1,926 violations.
- 24 5. To adequately discuss the complex factual and legal issues surrounding these 1,926  
25 violations in a fashion to make them understandable to the Court, especially in light of the issues  
26 raised by Teck Cominco's 110 page Opposition was impossible in 25 pages.
- 27 6. Plaintiffs request the additional pages to make their case.

Signed under penalty of perjury this 5<sup>th</sup> day of December 2005 at San Francisco,  
California.

  
Luke Cole

**FILED**

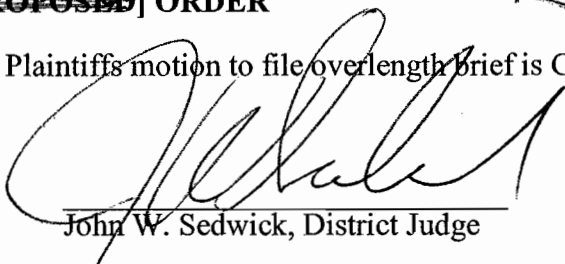
DEC 09 2005

UNITED STATES DISTRICT COURT  
DISTRICT OF ALASKA  
By  Deputy

**[PROPOSED] ORDER**

Good cause appearing therefore, Plaintiffs motion to file overlength brief is GRANTED.

Date: 12-8-05

  
John W. Sedwick, District Judge

CERTIFICATION OF SERVICE

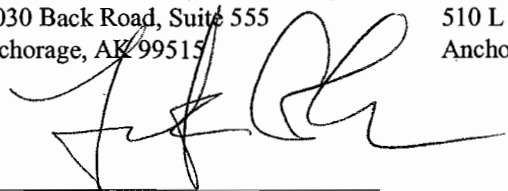
I certify that on the 5<sup>th</sup> day of December 2005, a true and correct copy of the MOTION TO FILE OVERLENGTH BRIEF were served via first class mail, postage prepaid, on the following counsel of record:

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Luke W. Cole

A04-0049--CV (JWS)

12-9-05

✓ D. CASE  
✓ L. HARTIG (HARTIG)  
✓ J. TORGERSON (HELLER)  
✓ L. COLE

PLAINTIFFS' MOTION TO  
FILE OVERLENGTH BRIEF